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ART UNIT	**PAPER NUMBER**
2168	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/708,940	BANDE ET AL.	
	Examiner	Art Unit	
	Mahesh H. Dwivedi	2168	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 July 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,4-11,14-21 and 24-35* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,4-11,14-21 and 24-35* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *01 April 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Remarks

1. Receipt of Applicant's Amendment filed on 07/23/2007 is acknowledged. The amendment includes amending claims 1, 9, 11, 19, 21, and 29-35, and the cancellation of claims 2-3, 12-13, and 22-23.

Claim Rejections - 35 USC § 112

2. The rejections raised in the office action mailed on 03/23/2007 have been overcome by Applicants' amendment filed on 07/23/2007.

Claim Objections

3. The objections raised in the office action mailed on 03/23/2007 have been overcome by Applicants' amendment filed on 07/23/2007.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1, 4-6, 10-11, 14-16, 20-21, 24-26, and 29-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ernst et al.** (U.S. PGPUB 2004/0103215) in view of in view of **Kiel et al.** (U.S. Patent 5,276,898), and in view of **Tracton et al.** (U.S. Patent 6,832,241).

7. Regarding claims 1 and 11, **Ernst** teaches a method and computer readable medium comprising:

A) determining in said first end system whether to send said data in a compressed format (Paragraph 21, Figure 4);

B) if it is determined to send said data in said compressed format, compressing said data to generate compressed data using a compression approach and sending said compressed data to said second end system on said network (Paragraph 21, Figure 4); and

C) otherwise, sending said data in an uncompressed format to said second end system on said network (Paragraph 21, Figure 4);

The examiner notes that **Ernst** teaches **"determining in said first end system whether to send said data in a compressed format"** as "When routine 315 receives web server 310's response to browser 325's request for data (block 405), it determines whether the data contained therein is eligible for compression (decision block 410)" (Paragraph 21). The examiner further notes that **Ernst** teaches **"if it is determined to send said data in said compressed format, compressing said data to generate compressed data using a compression approach and sending said compressed data to said second end system on said network"** as "After compressing the data, routine 315 may update a metadata store it uses to track what data objects its has compressed (block 450) and then transmit the compressed data back to browser 325 (block 455)" (Paragraph 21). The examiner further notes that **Ernst** teaches **"otherwise, sending said data in an uncompressed format to said second end system on said network"** as "If the data is not eligible for compression (the "NO" prong of decision block 410), the data received from the web server 310 during the acts of block 405 is passed or relayed to browser 325 without further processing (block 415)" (Paragraph 21).

Ernst does not explicitly teach:

D) wherein said determining checks a processing load in a previous time duration; and

E) determines not to send data in said compressed format if the processing load in said previous time duration is determined to be more than a first threshold.

Kiel, however, teaches **"wherein said determining checks a processing load in a previous time duration"** as "A processor work load is periodically identified for the processor. A predetermined stored threshold value is identified and compared with the identified processor work load" (Abstract) and "Otherwise when it is determined that compression is not currently being done at block 604, then a processor utilization starting threshold value P_{START} is identified for the particular line speed in the stored look up table as indicated by a block 616. Next the identified starting threshold value P_{START} is compared with a last calculated processor utilization value P_U and it is determined if data compression was stopped as represented by a decision block 618. When it is determined that the last calculated processor utilization value P_U is less than or equal to the threshold starting value P_{START} and it is determined that data compression was previously stopped at block 610, then a start compression message is built in an unnumbered information frame UIF as indicated by a block 620. Then an internal flag is set indicative of an outstanding UIF at block 612 and the frame is passed to be transmitted at block 614. Otherwise when it is determined that the last calculated processor utilization value P_U is greater than the threshold starting value P_{START} or it is determined that data compression was not previously stopped at block 610, then no further processing is performed within the module" (Column 7, lines 59-67-Column 8, lines 1-12) and **"determines not to send data in said compressed format if the processing load in said previous time duration is determined to be more than a first threshold"** as "Otherwise when it is determined that compression is not currently being done at block 604, then a processor utilization starting threshold value P_{START} is identified for the particular line speed in the stored look up table as indicated by a block 616. Next the identified starting threshold value P_{START} is compared with a last calculated processor utilization value P_U and it is determined if data compression was stopped as represented by a decision block 618. When it is determined that the last calculated processor utilization value P_U is less than or equal to the threshold starting value P_{START} and it is determined that data compression was previously stopped at block 610, then a start compression message is built in an unnumbered information frame UIF as indicated by a block 620. Then an internal flag is set indicative of an

outstanding UIF at block 612 and the frame is passed to be transmitted at block 614. Otherwise when it is determined that the last calculated processor utilization value P_U is greater than the threshold starting value P_{START} or it is determined that data compression was not previously stopped at block 610, then no further processing is performed within the module" (Column 7, lines 59-67-Column 8, lines 1-12).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because teaching **Kiel's** would have allowed **Ernst's** to provide a method to dynamically control the use of data compression in order to improve system performance, as noted by **Kiel** (Column 2, lines 25-28).

Ernst and **Kiel** do not explicitly teach:

D & E) on said second end system;

Tracton, however, teaches **"on said second end system"** as "Next, the script inspects the clock speed of the client device 102. The server is attempting to determine whether the client has the raw horsepower to process high-bandwidth content" (Column 6, lines 57-60) and "If 228 of the processor is neither a Pentium Pro, Pentium II, or Pentium, or if 230 the clock speed was less than 300 MHz, or if 232 the client's network application 112 is not a supported web browser" (Column 7, lines 22-25).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because teaching **Tracton's** would have allowed **Ernst's** and **Kiel's** to provide a method for a server to accurately determine the client capabilities (e.g., processor speed, memory configuration, etc.) in order to tailor output of the server to meet those client capabilities, as noted by **Tracton** (Column 3, lines 7-12).

Regarding claims 4 and 14, **Ernst** further teaches a method and computer readable medium comprising:

A) wherein said determining checks a type of said data (Paragraphs 21 and 23, Figure 4); and

B) determines not to send said data in said compressed format if said type does not lend to substantial data compression (Paragraphs 21 and 23, Figure 4).

The examiner notes that **Ernst** teaches **"wherein said determining checks a type of said data"** as "By way of example, data less than a specified size, or data already in a compressed format, or of a specified file type...may be designated "not eligible". If the data is not eligible for compression (the "NO" prong of decision block 410), the data received from the web server 310 during the acts of block 405 is passed or relayed to browser 325 without further processing (block 415)" (Paragraph 21). The examiner further notes that **Ernst** teaches **"determines not to send said data in said compressed format if said type does not lend to substantial data compression"** as "By way of example, data less than a specified size, or data already in a compressed format, or of a specified file type...may be designated "not eligible". If the data is not eligible for compression (the "NO" prong of decision block 410), the data received from the web server 310 during the acts of block 405 is passed or relayed to browser 325 without further processing (block 415)" (Paragraph 21).

Regarding claims 5 and 15, **Ernst** further teaches a method and computer readable medium comprising:

A) wherein said determining examines a size of said data (Paragraph 21, Figure 4); and

B) determines not to send said data in said compressed format if said size is small (Paragraph 21, Figure 4).

The examiner notes that **Ernst** teaches **"wherein said determining examines a size of said data"** as "By way of example, data less than a specified size, or data already in a compressed format, or of a specified file type...may be designated "not eligible". If the data is not eligible for compression (the "NO" prong of decision block 410), the data received from the web server 310 during the acts of block 405 is passed or relayed to browser 325 without further processing (block 415)" (Paragraph 21). The examiner further notes that **Ernst** teaches **"determines not to send said data in said compressed format if said size is small"** as "By way of example, data less than a

specified size, or data already in a compressed format, or of a specified file type...may be designated "not eligible". If the data is not eligible for compression (the "NO" prong of decision block 410), the data received from the web server 310 during the acts of block 405 is passed or relayed to browser 325 without further processing (block 415)" (Paragraph 21).

Regarding claims 6 and 16, **Ernst** further teaches a method and computer readable medium comprising:

A) wherein said determining further checks a speed of data transfer on said network (Paragraph 21, Figure 4); and

B) determines not to use said compressed format if said speed is high (Paragraph 21, Figure 4).

The examiner notes that **Ernst** teaches **"wherein said determining further checks a speed of data transfer on said network"** as "based on the determined transmission rate between web server 310 and browser 325 (in accordance with the acts of block 400) and the amount of time it takes to compress the data object, routine 315 can determine if the time it takes to compress the data object provides an acceptable speed-up in transmission (block 440)" (Paragraph 21). The examiner further notes that **Ernst** teaches **"determines not to use said compressed format if said speed is high"** as "In one embodiment, if the time saved in transmitting the compressed data does not save more time (at the determined transmission rate between web server 310 and browser 325) than it takes to compress the data (the "NO" prong in decision block 440), the data received from web server 310 during the acts of block 405 is passed or relayed to browser 325 without further processing (block 415)" (Paragraph 21).

Regarding claims 10 and 20, **Ernst** further teaches a method and computer readable medium comprising:

A) wherein said data comprises software instructions (Paragraph 28).

The examiner notes that **Ernst** teaches **"wherein said data comprises software instructions"** as "In addition, acts in accordance with FIGS. 4, 5, 6, 8, and 9 may be performed by a programmable control device executing instructions organized into a program module (e.g. routine 315)" (Paragraph 28).

Regarding claim 21, **Ernst** teaches an apparatus comprising:

A) means for determining in said first end system whether to send said data in a compressed format (Paragraph 21, Figure 4);

B) means for compressing said data to generate compressed data using a compression approach and means for sending said compressed data to said second end system on said network if it is determined to send said data in said compressed format (Paragraph 21, Figure 4); and

C) means for sending said data in an uncompressed format to said second end system on said network otherwise (Paragraph 21, Figure 4);

The examiner notes that **Ernst** teaches **"means for determining in said first end system whether to send said data in a compressed format"** as "When routine 315 receives web server 310's response to browser 325's request for data (block 405), it determines whether the data contained therein is eligible for compression (decision block 410)" (Paragraph 21). The examiner further notes that **Ernst** teaches **"means for compressing said data to generate compressed data using a compression approach and means for sending said compressed data to said second end system on said network if it is determined to send said data in said compressed format"** as "After compressing the data, routine 315 may update a metadata store it uses to track what data objects its has compressed (block 450) and then transmit the compressed data back to browser 325 (block 455)" (Paragraph 21). The examiner further notes that **Ernst** teaches **"means for sending said data in an uncompressed format to said second end system on said network otherwise"** as "If the data is not eligible for compression (the "NO" prong of decision block 410), the data received from the web server 310 during the acts of block 405 is passed or relayed to browser 325 without further processing (block 415)" (Paragraph 21).

Ernst does not explicitly teach:

D) wherein said means for determining checks a processing load in a previous time duration; and

E) determines not to send data in said compressed format if the processing load in said previous time duration is determined to be more than a first threshold.

Kiel, however, teaches **"wherein said means for determining checks a processing load in a previous time duration"** as "A processor work load is periodically identified for the processor. A predetermined stored threshold value is identified and compared with the identified processor work load" (Abstract) and "Otherwise when it is determined that compression is not currently being done at block 604, then a processor utilization starting threshold value P_{START} is identified for the particular line speed in the stored look up table as indicated by a block 616. Next the identified starting threshold value P_{START} is compared with a last calculated processor utilization value P_U and it is determined if data compression was stopped as represented by a decision block 618. When it is determined that the last calculated processor utilization value P_U is less than or equal to the threshold starting value P_{START} and it is determined that data compression was previously stopped at block 610, then a start compression message is built in an unnumbered information frame UIF as indicated by a block 620. Then an internal flag is set indicative of an outstanding UIF at block 612 and the frame is passed to be transmitted at block 614. Otherwise when it is determined that the last calculated processor utilization value P_U is greater than the threshold starting value P_{START} or it is determined that data compression was not previously stopped at block 610, then no further processing is performed within the module" (Column 7, lines 59-67-Column 8, lines 1-12) and **"determines not to send data in said compressed format if the processing load in said previous time duration is determined to be more than a first threshold"** as "Otherwise when it is determined that compression is not currently being done at block 604, then a processor utilization starting threshold value P_{START} is identified for the particular line speed in the stored look up table as indicated by a block 616. Next the identified starting threshold value P_{START} is compared with a last calculated processor utilization value P_U and it is

determined if data compression was stopped as represented by a decision block 618. When it is determined that the last calculated processor utilization value P_U is less than or equal to the threshold starting value P_{START} and it is determined that data compression was previously stopped at block 610, then a start compression message is built in an unnumbered information frame UIF as indicated by a block 620. Then an internal flag is set indicative of an outstanding UIF at block 612 and the frame is passed to be transmitted at block 614. Otherwise when it is determined that the last calculated processor utilization value P_U is greater than the threshold starting value P_{START} or it is determined that data compression was not previously stopped at block 610, then no further processing is performed within the module" (Column 7, lines 59-67-Column 8, lines 1-12).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because teaching **Kiel's** would have allowed **Ernst's** to provide a method to dynamically control the use of data compression in order to improve system performance, as noted by **Kiel** (Column 2, lines 25-28).

Ernst and **Kiel** do not explicitly teach:

D & E) on said second end system;

Tracton, however, teaches **"on said second end system"** as "Next, the script inspects the clock speed of the client device 102. The server is attempting to determine whether the client has the raw horsepower to process high-bandwidth content" (Column 6, lines 57-60) and "If 228 of the processor is neither a Pentium Pro, Pentium II, or Pentium, or if 230 the clock speed was less than 300 MHz, or if 232 the client's network application 112 is not a supported web browser" (Column 7, lines 22-25).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because teaching **Tracton's** would have allowed **Ernst's** and **Kiel's** to provide a method for a server to accurately determine the client capabilities (e.g., processor speed, memory configuration, etc.) in order to tailor output of the server to meet those client capabilities, as noted by **Tracton** (Column 3, lines 7-12).

Regarding claim 24, **Ernst** further teaches an apparatus comprising:

A) wherein said means for determining checks a type of said data (Paragraphs 21 and 23, Figure 4); and

B) determines not to send said data in said compressed format if said type does not lend to substantial data compression (Paragraphs 21 and 23, Figure 4).

The examiner notes that **Ernst** teaches **"wherein said means for determining checks a type of said data"** as "By way of example, data less than a specified size, or data already in a compressed format, or of a specified file type...may be designated "not eligible". If the data is not eligible for compression (the "NO" prong of decision block 410), the data received from the web server 310 during the acts of block 405 is passed or relayed to browser 325 without further processing (block 415)" (Paragraph 21). The examiner further notes that **Ernst** teaches **"determines not to send said data in said compressed format if said type does not lend to substantial data compression"** as "By way of example, data less than a specified size, or data already in a compressed format, or of a specified file type...may be designated "not eligible". If the data is not eligible for compression (the "NO" prong of decision block 410), the data received from the web server 310 during the acts of block 405 is passed or relayed to browser 325 without further processing (block 415)" (Paragraph 21).

Regarding claim 25, **Ernst** further teaches an apparatus comprising:

A) wherein said means for determining examines a size of said data (Paragraph 21, Figure 4); and

B) determines not to send said data in said compressed format if said size is small (Paragraph 21, Figure 4).

The examiner notes that **Ernst** teaches **"wherein said means for determining examines a size of said data"** as "By way of example, data less than a specified size, or data already in a compressed format, or of a specified file type...may be designated "not eligible". If the data is not eligible for compression (the "NO" prong of decision block 410), the data received from the web server 310 during the acts of block 405 is

passed or relayed to browser 325 without further processing (block 415)" (Paragraph 21). The examiner further notes that **Ernst** teaches **"determines not to send said data in said compressed format if said size is small"** as "By way of example, data less than a specified size, or data already in a compressed format, or of a specified file type...may be designated "not eligible". If the data is not eligible for compression (the "NO" prong of decision block 410), the data received from the web server 310 during the acts of block 405 is passed or relayed to browser 325 without further processing (block 415)" (Paragraph 21).

Regarding claim 26, **Ernst** further teaches an apparatus comprising:
A) wherein said means for determining further checks a speed of data transfer on said network (Paragraph 21, Figure 4); and
B) determines not to use said compressed format if said speed is high (Paragraph 21, Figure 4).

The examiner notes that **Ernst** teaches **"wherein said means for determining further checks a speed of data transfer on said network"** as "based on the determined transmission rate between web server 310 and browser 325 (in accordance with the acts of block 400) and the amount of time it takes to compress the data object, routine 315 can determine if the time it takes to compress the data object provides an acceptable speed-up in transmission (block 440)" (Paragraph 21). The examiner further notes that **Ernst** teaches **"determines not to use said compressed format if said speed is high"** as "In one embodiment, if the time saved in transmitting the compressed data does not save more time (at the determined transmission rate between web server 310 and browser 325) than it takes to compress the data (the "NO" prong in decision block 440), the data received from web server 310 during the acts of block 405 is passed or relayed to browser 325 without further processing (block 415)" (Paragraph 21).

Regarding claims 30 and 32, **Ernst** does not explicitly teach a method and computer readable medium comprising:

A) wherein said determining checks said processing load in corresponding previous time durations periodically including at a first time instance and then at a second time instance; and

B) determines not to send data in said compressed format between said first time instance and said second time instance if the processing load determined at said first time instance is more than said first threshold.

Kiel, however, teaches **"wherein said determining checks said processing load in corresponding previous time durations periodically including at a first time instance and then at a second time instance"** as "A processor work load is periodically identified for the processor. A predetermined stored threshold value is identified and compared with the identified processor work load" (Abstract) and "Otherwise when it is determined that compression is not currently being done at block 604, then a processor utilization starting threshold value P_{START} is identified for the particular line speed in the stored look up table as indicated by a block 616. Next the identified starting threshold value P_{START} is compared with a last calculated processor utilization value P_U and it is determined if data compression was stopped as represented by a decision block 618. When it is determined that the last calculated processor utilization value P_U is less than or equal to the threshold starting value P_{START} and it is determined that data compression was previously stopped at block 610, then a start compression message is built in an unnumbered information frame UIF as indicated by a block 620. Then an internal flag is set indicative of an outstanding UIF at block 612 and the frame is passed to be transmitted at block 614. Otherwise when it is determined that the last calculated processor utilization value P_U is greater than the threshold starting value P_{START} or it is determined that data compression was not previously stopped at block 610, then no further processing is performed within the module" (Column 7, lines 59-67-Column 8, lines 1-12) and **"determines not to send data in said compressed format between said first time instance and said second time instance if the processing load determined at said first time instance is more than said first threshold"** as "Otherwise when it is determined that compression is not currently being done at block 604, then a processor utilization starting threshold value

P_{START} is identified for the particular line speed in the stored look up table as indicated by a block 616. Next the identified starting threshold value P_{START} is compared with a last calculated processor utilization value P_U and it is determined if data compression was stopped as represented by a decision block 618. When it is determined that the last calculated processor utilization value P_U is less than or equal to the threshold starting value P_{START} and it is determined that data compression was previously stopped at block 610, then a start compression message is built in an unnumbered information frame UIF as indicated by a block 620. Then an internal flag is set indicative of an outstanding UIF at block 612 and the frame is passed to be transmitted at block 614. Otherwise when it is determined that the last calculated processor utilization value P_U is greater than the threshold starting value P_{START} or it is determined that data compression was not previously stopped at block 610, then no further processing is performed within the module" (Column 7, lines 59-67-Column 8, lines 1-12).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because teaching **Kiel's** would have allowed **Ernst's** to provide a method to dynamically control the use of data compression in order to improve system performance, as noted by **Kiel** (Column 2, lines 25-28).

Ernst and **Kiel** do not explicitly teach:

A) on said second end system;

Tracton, however, teaches **"on said second end system"** as "Next, the script inspects the clock speed of the client device 102. The server is attempting to determine whether the client has the raw horsepower to process high-bandwidth content" (Column 6, lines 57-60) and "If 228 of the processor is neither a Pentium Pro, Pentium II, or Pentium, or if 230 the clock speed was less than 300 MHz, or if 232 the client's network application 112 is not a supported web browser" (Column 7, lines 22-25).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because teaching **Tracton's** would have allowed **Ernst's** and **Kiel's** to provide a method for a server to accurately determine the client capabilities (e.g., processor speed, memory

configuration, etc.) in order to tailor output of the server to meet those client capabilities, as noted by **Tracton** (Column 3, lines 7-12).

Regarding claims 31 and 33, **Ernst** further teaches a method and compute readable medium comprising:

A) wherein said determining checks a processing load on said first end system (Abstract, Paragraph 21, Figure 4); and

B) determines to send said data in said compressed format if the processing load on said first end system is not more than a second threshold (Paragraph 21, Figure 4).

The examiner notes that **Ernst** teaches **"wherein said determining checks a processing load on said first end system"** as "characteristics of the server computer system such as its processor utilization, for example, may be used to determine if data compression is beneficial" (Abstract) and "a further check is made to determine if the central processor unit executing routine 315 and/or designated to compress data for routine 315 is below a specified utilization (decision block 430). The check of block 430 may be performed to ensure that server 305 (or a functional unit associated with server 305) is not tasked to perform a computationally intensive job (the act of compressing data) if it is already heavily utilized for other tasks" (Paragraph 21). The examiner further notes that **Ernst** teaches **"determines to send said data in said compressed format if the processing load on said first end system is not more than a second threshold"** as "a utilization threshold may be set at a specified percentage of the processor's total capacity. In some embodiments, this threshold may be set at the user's discretion anywhere from 0% to 100%. For example 85%. If routine 315's processor's utilization is at or above the specified threshold (the "YES" prong of decision block 430), data received from web server 310 during the acts of block 405 is passed or relayed to browser 325 without further processing (block 415). If routine 315's processor's utilization is below the specified threshold (the "NO" prong of decision block 430), routine 315 determines if it has previously compressed the data (decision block 435). (See discussion below regarding FIGS. 7 and 8.) If routine 315 has previously compressed the data and that compressed data is currently not available (the "YES"

prong of decision block 435), it then determines if compressing the data would provide a transmission benefit (block 440). (See discussion below regarding FIG. 9.) For example, based on the determined transmission rate between web server 310 and browser 325 (in accordance with the acts of block 400) and the amount of time it takes to compress the data object, routine 315 can determine if the time it will take to compress the data object provides an acceptable speed-up in transmission (decision block 440). In one embodiment, if the time saved in transmitting the compressed data does not save more time (at the determined transmission rate between web server 310 and browser 325) than it takes to compress the data (the "NO" prong of decision block 440), the data received from web server 310 during the acts of block 405 is passed or relayed to browser 325 without further processing (block 415). In another embodiment, if the time saved in transmitting the compressed data does not save at least a specified amount of time, above the time it takes to compress the data (e.g., 110%), the data received from web server 310 during the acts of block 405 is passed or relayed to browser 325 without further processing (block 415). If routine 315 determines that the time saved in transmitting the compressed data is acceptable/beneficial (the "YES" prong of decision block 440) or if the data received from web server 310 has not yet been compressed (the "NO" prong of decision block 435), routine 315 compresses the data (block 445)" (Paragraph 21).

Ernst and **Kiel** do not explicitly teach:

C) determines to send said data in said compressed format if the processing load on said second end system is not more than said first threshold.

Tracton, however, teaches **"determines to send said data in said compressed format if the processing load on said second end system is not more than said first threshold"** as "If 228 the processor is neither a Pentium Pro.RTM., Pentium II.RTM., or Pentium.RTM., or if 230 the clock speed was less than 300 MHz, or if 232 the client's network application 112 is not a supported web browser, then the client will be directed towards the low-bandwidth 126 content referenced in the LOWSPEED variable 210. The LOWSPEED page is intended to allow the server to prepare low-complexity content that is acceptable to a common-denominator of

incoming clients (e.g., assuming everyone has an Intel 80486 or equivalent processor and a network link speed of at least 28.8K)" (Column 7, lines 22-32).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because teaching **Tracton's** would have allowed **Ernst's** and **Kiel's** to provide a method for a server to accurately determine the client capabilities (e.g., processor speed, memory configuration, etc.) in order to tailor output of the server to meet those client capabilities, as noted by **Tracton** (Column 3, lines 7-12).

Regarding claim 34, **Ernst** does not explicitly teach an apparatus comprising:
A) wherein said means for determining checks said processing load in corresponding previous time durations periodically including at a first time instance and then at a second time instance; and
B) determines not to send data in said compressed format between said first time instance and said second time instance if the processing load at said first time instance is more than said first threshold.

Kiel, however, teaches **"wherein said means for determining checks said processing load in corresponding previous time durations periodically including at a first time instance and then at a second time instance"** as "A processor work load is periodically identified for the processor. A predetermined stored threshold value is identified and compared with the identified processor work load" (Abstract) and "Otherwise when it is determined that compression is not currently being done at block 604, then a processor utilization starting threshold value P_{START} is identified for the particular line speed in the stored look up table as indicated by a block 616. Next the identified starting threshold value P_{START} is compared with a last calculated processor utilization value P_U and it is determined if data compression was stopped as represented by a decision block 618. When it is determined that the last calculated processor utilization value P_U is less than or equal to the threshold starting value P_{START} and it is determined that data compression was previously stopped at block 610, then a start compression message is built in an unnumbered information frame UIF as

indicated by a block 620. Then an internal flag is set indicative of an outstanding UIF at block 612 and the frame is passed to be transmitted at block 614. Otherwise when it is determined that the last calculated processor utilization value P_U is greater than the threshold starting value P_{START} or it is determined that data compression was not previously stopped at block 610, then no further processing is performed within the module" (Column 7, lines 59-67-Column 8, lines 1-12) and **"determines not to send data in said compressed format between said first time instance and said second time instance if the processing load at said first time instance is more than said first threshold"** as "Otherwise when it is determined that compression is not currently being done at block 604, then a processor utilization starting threshold value P_{START} is identified for the particular line speed in the stored look up table as indicated by a block 616. Next the identified starting threshold value P_{START} is compared with a last calculated processor utilization value P_U and it is determined if data compression was stopped as represented by a decision block 618. When it is determined that the last calculated processor utilization value P_U is less than or equal to the threshold starting value P_{START} and it is determined that data compression was previously stopped at block 610, then a start compression message is built in an unnumbered information frame UIF as indicated by a block 620. Then an internal flag is set indicative of an outstanding UIF at block 612 and the frame is passed to be transmitted at block 614. Otherwise when it is determined that the last calculated processor utilization value P_U is greater than the threshold starting value P_{START} or it is determined that data compression was not previously stopped at block 610, then no further processing is performed within the module" (Column 7, lines 59-67-Column 8, lines 1-12).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because teaching **Kiel's** would have allowed **Ernst's** to provide a method to dynamically control the use of data compression in order to improve system performance, as noted by **Kiel** (Column 2, lines 25-28).

Ernst and **Kiel** do not explicitly teach:

A) on said second end system;

Tracton, however, teaches **"on said second end system"** as "Next, the script inspects the clock speed of the client device 102. The server is attempting to determine whether the client has the raw horsepower to process high-bandwidth content" (Column 6, lines 57-60) and "If 228 of the processor is neither a Pentium Pro, Pentium II, or Pentium, or if 230 the clock speed was less than 300 MHz, or if 232 the client's network application 112 is not a supported web browser" (Column 7, lines 22-25).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because teaching **Tracton's** would have allowed **Ernst's** and **Kiel's** to provide a method for a server to accurately determine the client capabilities (e.g., processor speed, memory configuration, etc.) in order to tailor output of the server to meet those client capabilities, as noted by **Tracton** (Column 3, lines 7-12).

Regarding claim 35, **Ernst** further teaches an apparatus comprising:
A) wherein said means for determining checks a processing load on said first end system (Abstract, Paragraph 21, Figure 4); and
B) determines to send said data in said compressed format if the processing load on said first end system is not more than a second threshold (Paragraph 21, Figure 4).

The examiner notes that **Ernst** teaches **"wherein said means for determining checks a processing load on said first end system"** as "characteristics of the server computer system such as its processor utilization, for example, may be used to determine if data compression is beneficial" (Abstract) and "a further check is made to determine if the central processor unit executing routine 315 and/or designated to compress data for routine 315 is below a specified utilization (decision block 430). The check of block 430 may be performed to ensure that server 305 (or a functional unit associated with server 305) is not tasked to perform a computationally intensive job (the act of compressing data) if it is already heavily utilized for other tasks" (Paragraph 21). The examiner further notes that **Ernst** teaches **"determines to send said data in said compressed format if the processing load on said first end system is not more than a second threshold"** as "a utilization threshold may be set at a specified

percentage of the processor's total capacity. In some embodiments, this threshold may be set at the user's discretion anywhere from 0% to 100%. For example 85%. If routine 315's processor's utilization is at or above the specified threshold (the "YES" prong of decision block 430), data received from web server 310 during the acts of block 405 is passed or relayed to browser 325 without further processing (block 415). If routine 315's processor's utilization is below the specified threshold (the "NO" prong of decision block 430), routine 315 determines if it has previously compressed the data (decision block 435). (See discussion below regarding FIGS. 7 and 8.) If routine 315 has previously compressed the data and that compressed data is currently not available (the "YES" prong of decision block 435), it then determines if compressing the data would provide a transmission benefit (block 440). (See discussion below regarding FIG. 9.) For example, based on the determined transmission rate between web server 310 and browser 325 (in accordance with the acts of block 400) and the amount of time it takes to compress the data object, routine 315 can determine if the time it will take to compress the data object provides an acceptable speed-up in transmission (decision block 440). In one embodiment, if the time saved in transmitting the compressed data does not save more time (at the determined transmission rate between web server 310 and browser 325) than it takes to compress the data (the "NO" prong of decision block 440), the data received from web server 310 during the acts of block 405 is passed or relayed to browser 325 without further processing (block 415). In another embodiment, if the time saved in transmitting the compressed data does not save at least a specified amount of time, above the time it takes to compress the data (e.g., 110%), the data received from web server 310 during the acts of block 405 is passed or relayed to browser 325 without further processing (block 415). If routine 315 determines that the time saved in transmitting the compressed data is acceptable/beneficial (the "YES" prong of decision block 440) or if the data received from web server 310 has not yet been compressed (the "NO" prong of decision block 435), routine 315 compresses the data (block 445)" (Paragraph 21).

Ernst and **Kiel** do not explicitly teach:

C) determines to send said data in said compressed format if the processing load on said second end system is not more than said first threshold.

Tracton, however, teaches **"determines to send said data in said compressed format if the processing load on said second end system is not more than said first threshold"** as "If 228 the processor is neither a Pentium Pro.RTM., Pentium II.RTM., or Pentium.RTM., or if 230 the clock speed was less than 300 MHz, or if 232 the client's network application 112 is not a supported web browser, then the client will be directed towards the low-bandwidth 126 content referenced in the LOWSPEED variable 210. The LOWSPEED page is intended to allow the server to prepare low-complexity content that is acceptable to a common-denominator of incoming clients (e.g., assuming everyone has an Intel 80486 or equivalent processor and a network link speed of at least 28.8K)" (Column 7, lines 22-32).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because teaching **Tracton's** would have allowed **Ernst's** and **Kiel's** to provide a method for a server to accurately determine the client capabilities (e.g., processor speed, memory configuration, etc.) in order to tailor output of the server to meet those client capabilities, as noted by **Tracton** (Column 3, lines 7-12).

8. Claims 7, 17, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ernst et al.** (U.S. PGPUB 2004/0103215) in view of **Kiel et al.** (U.S. Patent 5,276,898), and in view of **Tracton et al.** (U.S. Patent 6,832,241) as applied to claims 1, 4-6, 10-11, 14-16, 20-21, 24-26, and 29-35, and in view of **Somekh et al.** (U.S. PGPUB 2003/0123466).

9. Regarding claims 7 and 17, **Ernst**, **Kiel**, and **Tracton** do not explicitly teach a method and computer readable medium comprising:

A) wherein said speed is determined by sending an ICMP echo packet.

Somekh, however, teaches **"wherein said speed is determined by sending an ICMP echo packet"** as "Optionally, the round trip delay of packets on the network 38 included in the current MoIP connection 30, is measured by transmitting an echo request packet (e.g., an ICMP echo request) from one of the gateways 36 to the other

and measuring the time between transmitting the echo request and receiving the response thereto, from the other gateway" (Paragraph 201).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because teaching **Somekh's** would have allowed **Ernst's**, **Kiel's**, and **Tracton's** to provide a method to allow for calculating utilization speeds for potential transfers of data.

Regarding claim 27, **Ernst**, **Kiel**, and **Tracton** do not explicitly teach an apparatus comprising:

A) wherein said means for determining determines said speed by sending an ICMP echo packet.

Somekh, however, teaches **"wherein said means for determining determines said speed by sending an ICMP echo packet"** as "Optionally, the round trip delay of packets on the network 38 included in the current MoIP connection 30, is measured by transmitting an echo request packet (e.g., an ICMP echo request) from one of the gateways 36 to the other and measuring the time between transmitting the echo request and receiving the response thereto, from the other gateway" (Paragraph 201).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because teaching **Somekh's** would have allowed **Ernst's**, **Kiel's**, and **Tracton's** to provide a method to allow for calculating utilization speeds for potential transfers of data.

10. Claims 8, 18, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ernst et al.** (U.S. PGPUB 2004/0103215) in view of **Kiel et al.** (U.S. Patent 5,276,898), and in view of **Tracton et al.** (U.S. Patent 6,832,241) as applied to claims 1, 4-6, 10-11, 14-16, 20-21, 24-26, and 29-35, and in view of **Gish** (U.S. PGPUB 2005/0144309).

11. Regarding claims 8 and 18, **Ernst** further teaches a method and computer readable medium comprising:

A) wherein said determining further checks a speed of data transfer on said network and determines not to use said compressed format is said speed is high (Paragraph 21).

The examiner notes that **Ernst** teaches **"wherein said determining further checks a speed of data transfer on said network and determines not to use said compressed format is said speed is high"** as "In one embodiment, if the time saved in transmitting the compressed data does not save more time (at the determined transmission rate between web server 310 and browser 325) than it takes to compress the data (the "NO" prong in decision block 440), the data received from web server 310 during the acts of block 405 is passed or relayed to browser 325 without further processing (block 415)" (Paragraph 21).

Ernst, **Kiel**, and **Tracton** do not explicitly teach:

B) wherein said speed is determined by including a first local time stamp in a packet sent to said second end system, and receiving a second time stamp and a third time stamp from said second end system at a time specified by a fourth local time stamp, wherein said second time stamp indicates a time at which said packet is received in said second end system and said third time stamp indicates a time at which said packet is sent from said second end system, wherein said speed is determined based on said first local time stamp, said second time stamp, said third time stamp, and said fourth time stamp.

Gish, however, teaches **"wherein said speed is determined by including a first local time stamp in a packet sent to said second end system, and receiving a second time stamp and a third time stamp from said second end system at a time specified by a fourth local time stamp, wherein said second time stamp indicates a time at which said packet is received in said second end system and said third time stamp indicates a time at which said packet is sent from said second end system, wherein said speed is determined based on said first local time stamp, said second time stamp, said third time stamp, and said fourth time stamp"** as "In one embodiment, the basic timing protocol involves sending messages at regular intervals from a timing client to a timing server and back. Four time-stamps (TS) are

appended to this round-trip message. Specifically: TS1 Appended by the client when it sends the message to the server TS2 Appended by the server when it receives the message TS3 Appended by the server when it sends the message back to the client TS4 Appended by the client when it receives the message. These four time-stamps are then used by the timing algorithm, which calculates the round-trip delay. In one embodiment the round-trip delay is computed as: (TS4-TS1)-(TS3-TS2). This corresponds to the time it takes for a message to travel to the timing server and back, minus the time it takes for the server to turn the message around" (Paragraphs 50-51).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because teaching **Gish's** would have allowed **Ernst's**, **Kiel's**, and **Tracton's** to provide a method for a server to combat congestions and detect faulty behavior in networks through various calculation techniques, as noted by **Gish** (Paragraph 3).

Regarding claim 28, **Ernst** further teaches an apparatus comprising:
A) wherein said means for determining further checks a speed of data transfer on said network and determines not to use said compressed format is said speed is high (Paragraph 21).

The examiner notes that **Ernst** teaches **"wherein said means for determining further checks a speed of data transfer on said network and determines not to use said compressed format is said speed is high"** as "In one embodiment, if the time saved in transmitting the compressed data does not save more time (at the determined transmission rate between web server 310 and browser 325) than it takes to compress the data (the "NO" prong in decision block 440), the data received from web server 310 during the acts of block 405 is passed or relayed to browser 325 without further processing (block 415)" (Paragraph 21).

Ernst, **Kiel**, and **Tracton** do not explicitly teach:
B) wherein said means for determining includes a first local time stamp in a packet sent to said second end system, and receives a second time stamp and a third time stamp from said second end system at a time specified by a fourth local time stamp, wherein

said second time stamp indicates a time at which said packet is received in said second end system and said third time stamp indicates a time at which said packet is send from said second end system, wherein said speed is determined based on said first local time stamp, said second time stamp, said third time stamp, and said fourth time stamp.

Gish, however, teaches **"wherein said means for determining includes a first local time stamp in a packet sent to said second end system, and receives a second time stamp and a third time stamp from said second end system at a time specified by a fourth local time stamp, wherein said second time stamp indicates a time at which said packet is received in said second end system and said third time stamp indicates a time at which said packet is send from said second end system, wherein said speed is determined based on said first local time stamp, said second time stamp, said third time stamp, and said fourth time stamp"** as "In one embodiment, the basic timing protocol involves sending messages at regular intervals from a timing client to a timing server and back. Four time-stamps (TS) are appended to this round-trip message. Specifically: TS1 Appended by the client when it sends the message to the server TS2 Appended by the server when it receives the message TS3 Appended by the server when it sends the message back to the client TS4 Appended by the client when it receives the message. These four time-stamps are then used by the timing algorithm, which calculates the round-trip delay. In one embodiment the round-trip delay is computed as: (TS4-TS1)-(TS3-TS2). This corresponds to the time it takes for a message to travel to the timing server and back, minus the time it takes for the server to turn the message around" (Paragraphs 50-51).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because teaching **Gish's** would have allowed **Ernst's**, **Kiel's**, and **Tracton's** to provide a method for a server to combat congestions and detect faulty behavior in networks through various calculation techniques, as noted by **Gish** (Paragraph 3).

12. Claims 9, 19, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ernst et al.** (U.S. PGPUB 2004/0103215) in view of **Kiel et al.** (U.S. Patent 5,276,898), and in view of **Tracton et al.** (U.S. Patent 6,832,241) as applied to claims 1,

4-6, 10-11, 14-16, 20-21, 24-26, and 29-35, and in view of **Wollowitz** (U.S. PGPUB 2004/0143650).

13. Regarding claims 9, 19, and 29, **Ernst**, **Kiel**, and **Tracton** do not explicitly teach a method, computer readable medium, and apparatus comprising:

A) wherein said first end system is a database client; and

B) said second end system is a database server;

C) such that data is transferred from said database client to said database server.

Wollowitz, however, teaches **"wherein said first end system is a database client"** as "A dedicated client program may have the functionality to compress files to be uploaded from a sender's computer to the file delivery server" (Paragraph 131), **"said second end system is a database server"** as "A dedicated client program may have the functionality to compress files to be uploaded from a sender's computer to the file delivery server" (Paragraph 131), and **"such that data is transferred from said database client to said database server"** as "A dedicated client program may have the functionality to compress files to be uploaded from a sender's computer to the file delivery server" (Paragraph 131).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because teaching **Wollowitz's** would have allowed **Ernst's**, **Kiel's**, and **Tracton's** to provide a method for reducing upload times in client server transmission, as noted by **Wollowitz** (Paragraph 131).

Response to Arguments

14. Applicant's arguments filed 07/23/2007 have been fully considered but they are not persuasive.

Applicants argue on page 10 that **"Kiel et al (U.S. Patent 5,276,898), used by the Examiner in rejecting claim 30, does not cure that deficiency. In particular, Kiel relates to a system for selectively compressing data frames based upon a current processor work load identifying whether the processor is too busy to perform the compression. In other words, the work load at the sender (not the claimed "second system", i.e., data recipient) is examined in Kiel"**. However, the

examiner wishes to refer applicant to the abstract and columns 7-8 of **Kiel** which state "A processor work load is periodically identified for the processor. A predetermined stored threshold value is identified and compared with the identified processor work load" (Abstract) and "Otherwise when it is determined that compression is not currently being done at block 604, then a processor utilization starting threshold value P_{START} is identified for the particular line speed in the stored look up table as indicated by a block 616. Next the identified starting threshold value P_{START} is compared with a last calculated processor utilization value P_U and it is determined if data compression was stopped as represented by a decision block 618. When it is determined that the last calculated processor utilization value P_U is less than or equal to the threshold starting value P_{START} and it is determined that data compression was previously stopped at block 610, then a start compression message is built in an unnumbered information frame UIF as indicated by a block 620. Then an internal flag is set indicative of an outstanding UIF at block 612 and the frame is passed to be transmitted at block 614. Otherwise when it is determined that the last calculated processor utilization value P_U is greater than the threshold starting value P_{START} or it is determined that data compression was not previously stopped at block 610, then no further processing is performed within the module" (Column 7, lines 59-67-Column 8, lines 1-12). The examiner further wishes to state that it is clear that **Kiel** periodically determines a workload of a processor, and since periodically measuring a workload construes that one is using a past measurement, then as a result, **Kiel** teaches the aforementioned limitation. Moreover, the use of **Tracton** is used in combination with **Kiel** and **Ernst** for measuring a workload on a data recipient.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. PGPUB 2004/0205249 issued to **Berry** on 14 October 2004. The subject matter disclosed therein is pertinent to that of claims 1, 4-11, 14-21, and 24-35 (e.g., determining whether to compress data to a requesting client).

U.S. PGPUB 2005/0210151 issued to **Abdo et al.** on 22 September 2005. The subject matter disclosed therein is pertinent to that of claims 1, 4-11, 14-21, and 24-35 (e.g., determining whether to compress data to a requesting client).

U.S. PGPUB 2005/0268068 issued to **Ignatius et al.** on 01 December 2005. The subject matter disclosed therein is pertinent to that of claims 1, 4-11, 14-21, and 24-35 (e.g., determining whether to compress data to a requesting client).

U.S. PGPUB 2002/0184224 issued to **Haff et al.** on 05 December 2002. The subject matter disclosed therein is pertinent to that of claims 1, 4-11, 14-21, and 24-35 (e.g., determining whether to compress data to a requesting client).

U.S. Patent 7,043,524 issued to **Shah et al.** on 09 May 2006. The subject matter disclosed therein is pertinent to that of claims 30-35 (e.g., periodic determination of cpu utilization).

U.S. Patent 7,024,460 issued to **Koopmas et al.** on 04 April 2006. The subject matter disclosed therein is pertinent to that of claims 1, 4-11, 14-21, and 24-35 (e.g., determining whether to compress data to a requesting client).

U.S. Patent 6,535,238 issued to **Kressin** on 18 May 2003. The subject matter disclosed therein is pertinent to that of claims 1, 4-11, 14-21, and 24-35 (e.g., determining whether to compress data to a requesting client).

U.S. PGPUB 2005/0188112 issued to **Desai et al.** on 25 August 2005. The subject matter disclosed therein is pertinent to that of claims 1, 4-11, 14-21, and 24-35 (e.g., determining whether to compress data to a requesting client).

European Patent WO 02/097584 issued to **Cranstone** on 05 December 2002. The subject matter disclosed therein is pertinent to that of claims 1, 4-11, 14-21, and 24-35 (e.g., determining whether to compress data to a requesting client).

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mahesh Dwivedi whose telephone number is (571) 272-2731. The examiner can normally be reached on Monday to Friday 8:20 am – 4:40 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo can be reached (571) 272-3642. The fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mahesh Dwivedi
Patent Examiner
Art Unit 2168

September 26, 2007

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